

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MICHAEL MATHEWS,

Plaintiff,

v.

RESCUECOM CORPORATION and
DAVID A. MILMAN,

Defendants.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 05-4834 (JEI)

**ORDER GRANTING IN PART AND DENYING
IN PART DEFENDANTS' MOTION TO
DISMISS OR ALTERNATIVELY TO
TRANSFER VENUE,
AND TRANSFERRING CASE TO THE
NORTHERN DISTRICT OF NEW YORK
(Docket No. 10)**

APPEARANCES:

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David A. Milman

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Counsel for Defendants Rescuecom Corporation and
David A. Milman

IRENAS, Senior District Judge:

This matter having appeared before the Court upon the Motion
of Defendants Rescuecom Corporation and David A. Milman to
Dismiss the Complaint, or in the alternative, to Transfer Venue

to the District Court for the Northern District of New York, for the reasons set forth in an opinion issued by this Court, which findings of fact and conclusions of law are incorporated herein by reference, and for good cause appearing,

IT IS on this 16th day of February, 2006,

ORDERED THAT:

1. Defendants' Motion is **GRANTED** to the extent that it seeks a transfer of venue to the Northern District of New York pursuant to 28 U.S.C. § 1404(a) and **DENIED** to the extent that it seeks dismissal of the Complaint pursuant to Fed. R. Civ. P. 12 or 28 U.S.C. § 1406 for failure to lay venue in the proper district.

2. Defendant's Motion is **DENIED WITHOUT PREJUDICE** as to all other relief sought.

3. This action is hereby **TRANSFERRED** to the United States District Court for the Northern District of New York.

s/ Joseph E. Irenas

JOSEPH E. IRENAS
Senior United States District Judge